Ombudsman Probes Effectiveness of Administration of Temporary Closure of Metered Car Parking Spaces during Road Works Carried Out by Public Utilities

The Ombudsman, Mr Alan Lai, is initiating a direct investigation into the effectiveness of Government's administration of temporary closure of metered car parking spaces during road excavation works carried out by public utilities, pursuant to section 7(1) (a) (ii) of The Ombudsman Ordinance, Cap. 397.

Through complaint handling, the Office of The Ombudsman noted that some metered car parking spaces have been unnecessarily closed for periods much longer than the actual time required for carrying out road excavation works by public utilities. "In view of the limited number of metered car parking spaces and the high demand for such facilities, we consider that the closure of such car parking spaces should be kept to the minimum," Mr Lai said.

Besides, under the Excavation Permit Management system, public utilities which need to carry out road works have to apply to the Highways Department ("HyD") for excavation permits and, where applicable, also to other relevant authorities/departments for the necessary assessments and approvals, such as approvals from the Transport Department ("TD") and the Police for temporary traffic management proposals. If temporary closure of metered car parking spaces is required due to road works, the public utility concerned has to apply direct to TD for approval under the Road Traffic (Parking) Regulations, Cap 374C. Upon completion of the above processes, HyD will issue an excavation permit to the public utility concerned with appropriate conditions.

In exercising control on excavation works in streets, HyD undertakes audit inspections on active excavation permit sites and, on identifying any non-compliance with the permit conditions such as improper temporary pedestrian arrangement, notifies the excavation permit holders concerned for swift rectification. However, it does not check on any mismatch between utilities' works progress and the temporary parking spaces closure period, as this falls beyond the jurisdiction of its excavation permit control mechanism. TD all along did not monitor actual occupation of the suspended metered car parking spaces by public utilities for scheduled excavation works and only requested them verbally or through e-mail to report changes of commencement or completion of the works. The situation appears very unsatisfactory, as it may result in wasted public resources and unjustified inconvenience to drivers.

Upon our inquiry, TD and HyD have recently initiated some enhancement measures, including:

- conducting audit inspections by HyD to identify and notify TD of any anomalies such as unreported delayed commencement/early completion of excavation works resulting in unnecessary closure of the metered car parking spaces; and
- imposing new "approval conditions" by TD and a new excavation permit condition by HyD.

However, there are still many cases of non-compliance. In view of this, we consider it necessary to evaluate the effectiveness of these enhancement measures, hence this investigation, which will examine:

(a) deficiencies in administering temporary closure of metered car parking spaces during road excavation works carried out by public utilities;

(b) effectiveness of the enhanced measures by TD and HyD in the monitoring of temporary closure of metered car parking spaces during road excavation works carried out by public utilities; and

(c) other measures, if any, for further improvement.

The Ombudsman welcomes public views on this matter. Comments should reach the Office of The Ombudsman **by 18 August 2011**:

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